

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 26**

**RAMAC SERVICES CORPORATION<sup>1</sup>**  
**Employer**

**and**

**Case 26-UC-195**

**INTERNATIONAL ASSOCIATION  
OF MACHINISTS and AEROSPACE WORKERS,  
AFL-CIO**

**Petitioner**

**REGIONAL DIRECTOR'S DECISION AND  
CLARIFICATION OF BARGAINING UNIT**

The Employer, RAMAC Services Corporation, is a subsidiary of Lockheed Martin Company. It employs about 115 employees at the Little Rock Air Force Base, where it trains individuals in the operation of C-130 cargo aircraft pursuant to contracts between Lockheed Martin and the United States Air Force. The Petitioner, International Association of Machinists and Aerospace Workers, AFL-CIO, represents a unit of about 110 C-130 Aircrew Training Systems (ATS) employees at the Little Rock Air Force Base. The Petitioner filed this petition with the National Labor Relations Board under Section 9(b) of the National Labor Relations Act seeking to clarify the existing bargaining unit to include the J-Maintenance and Aircrew Training System (JMATS) employees who are training individuals to operate the newest C-130 aircraft, the C-130 J model.

The Employer opposes including the JMATS employees in the existing unit because of the significant changes in the J model of the C-130 from the earlier C-130

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<sup>1</sup> The Employer's name appears as amended at hearing.

models and the uniqueness of its training regimen. The Petitioner argues that, although working on a different model of aircraft, the JMATS employees are performing duties that are identical or very similar to those performed by bargaining unit employees. Currently, the Employer employs five JMATS employees and has nine open JMATS positions.<sup>2</sup> It anticipates that in the next 1 to 5 years it will employ 25 to 30 employees within JMATS.

Following a hearing before a hearing officer of the Board, the parties filed briefs with me. As explained below, I find that it is appropriate to include the JMATS librarian, computer-based training (CBT) specialist, instructor subject matter expert (SME), loadmaster SME, graphic artist, and training analyst in the existing unit because they are performing the same basic functions historically performed by the members of the existing bargaining unit. I have made no determination on the production specialist position because the record is not sufficient about the duties of that position.

#### **I. OVERVIEW OF EMPLOYER'S OPERATIONS AND THE C-130 AIRCRAFT**

The Employer operates a training facility at the Little Rock Air Force Base, which is located about 10 miles north of Little Rock, Arkansas. Pursuant to contracts between Lockheed Martin and the United States Air Force, it trains members of the United States Air Force to operate C-130 aircraft. The ATS contract is a military contract between Lockheed Martin and the Department of Defense and is managed by Hill Air Force Base in Ogden, Utah. The JMATS contract is a commercial contract between Lockheed Martin and the Department of Defense and is managed by Wright Patterson Air Force

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<sup>2</sup> The Employer also employs six exempt individuals on JMATS whom it contends could not be represented by Petitioner. It is unclear if the nine open positions include any exempt positions that the Employer contends could not be represented by Petitioner.

Base in Dayton, Ohio. Both contracts are service contracts under the Service Contract Act.

At the Little Rock facility, the Employer has separate teams for the C-130 ATS program and the JMATS program. Currently, Steve Farrow is the program manager of the C-130 ATS program and Chris Wright is the program manager of JMATS. Farrow is located at Little Rock Air Force Base, while Wright is located at Dobbins Air Force Base in Marietta, Georgia. Both Farrow and Wright report to Steve Fleming, whose title and location are not specified in the record. Although Farrow testified that he was only the program manager for the C-130 ATS program, he seems to be involved in both the C-130 ATS and JMATS programs. During his testimony, Farrow used the pronoun "T" several times in referring to the JMATS program. For example, Farrow testified that "T" did not provide any training to two of the CBT specialists hired for JMATS; the instructor SMEs that "T" hire for JMATS will not go on to teach students; and "T" have five JMATS employees that are non-exempt and could be represented.

The Employer currently employs librarians and CBT specialists in both the C-130 ATS and the JMATS programs at Little Rock Air Force Base. The Employer employs training analysts and SMEs in the ATS program and has posted jobs in those classifications in the JMATS program. Pilot instructors and navigator/flight instructors are employed in the C-130 ATS program, but not in the JMATS program. Although pilot instructors are a part of the JMATS program, the pilot instructors are employed by CAE USA, rather than by the Employer. Navigator/flight instructors are not utilized in the JMATS program because the navigator/flight instructor position has been eliminated on the C-130 J.

The C-130 aircraft was designed as a long-range cargo aircraft with a four-engine turbo-propeller, a weight of between 85,000 and 90,000 pounds, and a range of 3500 miles. C-130 aircraft have been in use since the early 1950's when the A model of the C-130 was developed. The B model was introduced in 1957, the E model in the early 1960's, and the H model in the 1970's. An H2 model came out in the early 1980's and the H3 model came out in about 1998. Over the years, modifications to the basic aircraft have enabled it to serve in special operations and to function as a gunship, a rescue airplane, an airborne command post, and a ski airplane. Its versatility has allowed its use by the United States Air Force, Marine Corps, and Coast Guard, as well as most allied nations. The J model is the latest model of the C-130 aircraft.

The J model differs from earlier versions of the C-130 in four ways: (1) it has a different propeller that has five blades instead of four; (2) it has an improved and enhanced cargo system; (3) it has a two-person crew rather than the four-person crew needed to operate the C-130 E and C-130 H; and (4) its cockpit has a computerized screen rather than the analog instrumentalities of other models.

Because of the differences between the J model and earlier versions of the aircraft, the Air Force determined that every pilot who is qualified on the J model must go through an initial 65-day qualification course and incur a five-year commitment to the Air Force. There is no shorter conversion training into the J model, as was available for transferring to the E and H models. In addition, the Air Force decided that it would not allow pilots to maintain dual qualifications on the J model and other models. Once a pilot becomes qualified on the J model, the pilot will be permitted to fly only the J-Model, and not the other C-130 aircraft.

To qualify as a J model pilot instructor, 200 hours of C-130 J training are required, 100 hours of which can be completed in a simulator. If sufficient qualified instructors are not available for the program, a waiver must be requested through Lockheed Martin from the Air Force. The pool of qualified instructors for the J model operations is small in part because only three units currently have C-130 J aircraft. Two of those units are at Keesler Air Force base in Biloxi, Mississippi. Both of those units originally flew C-130 E's and converted to C-130 J's.

At the time of the hearing, the JMATS employees working for the Employer at Little Rock were working in the same facility as the Employer's other C-130 employees. However, a new facility was being built by the Air Force about 100 yards from the existing facility and it was anticipated that the JMATS employees would soon move to that facility. The new facility will contain a simulator for the J model.<sup>3</sup> At the time of the hearing there were only two JMATS aircraft at the Little Rock Air Force Base.

## **II. ANALYTICAL FRAMEWORK**

As the Employer suggests, the initial legal issue is whether a traditional accretion analysis should be applied here. The Board has found that an accretion analysis should not be applied if it is established that a new classification is performing the same basic functions as a unit classification historically had performed. In that situation, the new classification is properly viewed as belonging in the unit rather than being added to the unit by accretion. *Developmental Disabilities*, 334 NLRB 1166, 1168 (2001); *Premcor, Inc.*, 333 NLRB 1365 (2001). Accordingly, I will examine the work being performed by the contractual unit and then the work being performed by the new classifications to

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<sup>3</sup> There were no J model simulators at the Little Rock Air Force Base at the time of the hearing.

determine if the new classifications are performing the same basic functions as a unit classification historically has performed.

### **III. CONTRACTUAL UNIT: HISTORY, JOB CLASSIFICATIONS & FUNCTIONS**

Employees in the existing contractual bargaining unit have been performing the C-130 training work since at least 1998. In 1998, Raytheon Systems had the contract for the training work and employed the unit employees at the time the Petitioner was certified in Case 26-RC-8022. In 1999, Lockheed Martin successfully outbid Raytheon for the Air Force contract to train operators of the C-130 aircraft. On December 16, 1999, Lockheed Martin agreed to be bound by the terms and conditions of the collective-bargaining agreement between Petitioner and Raytheon, except that previously included maintenance technicians and materiel coordinators were excluded from the unit. Thereafter, Petitioner and Lockheed Martin entered into a new agreement that is effective from August 21, 2001 to August 20, 2004. That agreement designated the employer as RAMAC Services Corporation, a Lockheed Martin Company.

The employees covered by the current contract between the Employer and the Petitioner are all full-time and regular part-time employees in certain classifications employed by the Employer with regard to the C-130 ATS Training System program for the United States Air Force located at Little Rock Air Force Base, Arkansas. Those classifications include pilot instructors, navigator/flight engineer instructors, loadmaster instructors, CBT specialists, computer operator senior, computer systems analysts, librarians, library technicians, training analysts, and training coordinators. Technicians and materiel coordinators, previously included in the unit, are now employed by CAE, another Lockheed Martin company, and are currently represented by the Petitioner.

Currently, the bargaining unit includes about 97 instructor pilots who teach in the classroom and in simulators. At the present time, the Employer uses three E model simulators, which are life-size mockups of an E model including all its controls. The instructor pilots do not teach on the H or J model but do teach academics to J model students. Academics are the tactical procedures associated with air land, airdrop, ski formation, NVG, and defensive systems.

The CBT specialists in the bargaining unit work in the CBT room and use a program called Quest to develop courseware for the program. About two years ago, the graphic artist position was combined into the CBT specialist position.

#### **IV. JMATS JOB CLASSIFICATIONS & FUNCTIONS**

At the time of the hearing, the Employer employed five employees in the JMATS program at Little Rock Air Force Base who could be included in the existing bargaining unit. Those five employees included employees employed as a librarian and CBT specialists. The Employer had also posted jobs for an instructor SME, a loadmaster SME, a graphic artist, and a training analyst in the JMATS program. The record is unclear as to whether those positions were filled. The record also mentions a JMATS classification of production specialist and indicates that classification does not exist in the ATS program. The record does not establish the duties of a production specialist or indicate whether that position has been posted or filled.

In February 2003, the Employer hired a master librarian for the JMATS program. The individual the Employer hired for this position previously served for 14 years as the master librarian for the G-130 ATS program. When he accepted the JMATS position, he received no additional training but did receive some new equipment and moved into a different office across the hall from his ATS office. The Employer acknowledged that

librarians for JMATS are interchangeable with the C-130 ATS program librarians without additional training.

The Employer has also hired three CBT specialists who develop and revise training courseware or materials for the electronic classroom, computer based training, and classroom/briefing room displays and placards. Two of the CBT specialists had prior experience using Authorware, the software program being used to develop the courseware. The third CBT specialist is learning Authorware on the job.

The job posting for the graphic artist indicates that the graphic artist would create electronic classroom lessons using PowerPoint software and would communicate with SMEs, training analysts, CBT specialists, and instructors in the development and revision of lessons. The graphic artist would also determine the requirements for lesson graphics, photographs, and videos and integrate those into the courseware.

According to the job posting, the JMATS training analyst would develop new objectives, revise existing objectives, and determine their placement within the objectives hierarchy. The training analyst would also coordinate updates to the objectives hierarchy and the training management system, conduct formative and summative evaluations, and would coordinate with SMEs and CBT specialists to assess the impact of instructional change proposals.

The JMATS instructor or pilot SME and the loadmaster SME are supposed to assist in the development of level 2 and level 3 courseware. The instructor SMEs will not be used to teach students.

## **V. ANALYSIS**

The individuals employed by the Employer in the JMATS program work in the same or similar classifications as those in the contractual bargaining unit and perform the

same basic functions as employees in the C-130 ATS program. In this regard, the JMATS employees are involved in instructing and preparing materials to instruct individuals to operate the C-130 aircraft. The JMATS librarian's functions are virtually unchanged from the functions of the C-130 ATS librarian. The CBT specialists perform the same basic functions, albeit with a different software tool. Although the graphic artist classification no longer exists in the ATS program, it previously existed and those duties are now performed by the CBT specialist in the ATS program. While the record does not detail the duties of the training analyst in the ATS program, the classification currently exists and there is no indication that the duties of the JMATS training analyst vary in any way from those of the ATS training analyst. Similarly, there is no indication that the duties of the JMATS SMEs are any different from those performed by the SMEs in the ATS program.

Accordingly, I find that the unit should be clarified to include the JMATS employees in the classifications of: librarian, CBT specialist, instructor SME, loadmaster SME, graphic artist, and training analyst. *Developmental Disabilities Institute*, 334 NLRB 1166, 1168 (2001); *Premcor, Inc.*, 333 NLRB 1365 (2001).

The Employer argues that the employees in the JMATS program do not perform the same or even similar duties as employees in the ATS program, except in a superficial sense. In support of this argument, the Employer asserts that the JMATS employees will use techniques, machinery and technology unknown to the ATS employees. While the training material and method may vary, the basic function of teaching remains the same. Nor does the fact that some additional training may be required of JMATS employees,

preclude a finding that the JMATS employees are performing the same basic functions as the C-130 ATS employees.

The Employer's reliance on *Archer Daniels Midland Co.*, 333 NLRB 673 (2001) is misplaced. That case involved the unit placement of employees at a new facility who performed work that was never performed by employees in the existing bargaining unit. Employees in the established unit there worked at a soybean processing plant consisting of several buildings, storage tanks, and elevators. The processing facility processed raw soybeans into three products, one of which was crude soybean oil. The employees that the union urged should be accreted worked at an adjacent soybean oil refinery that processed the crude soybean oil into salad oil for human consumption. Prior to the construction of the processing plant, the crude soybean oil was shipped to refineries. The new refinery had an entrance from a different street and included a large building, storage and loading facilities and two railroad spurs. The Board found that accretion was not appropriate because the employees in the refinery constituted a separate appropriate unit and lacked a sufficient community of interest with the processing plant employees to compel their inclusion into the established bargaining unit. Here, unlike *Archer Daniels Midland*, the employees whose unit placement is in dispute are performing the same work as historically performed by unit employees – training individuals to operate C-130 aircraft.

## **VI. CONCLUSION AND FINDINGS**

Based on the entire record in this proceeding, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.

3. The Petitioner proposes to amend the certification to include the JMATS employees.

4. The contractual-bargaining unit at the Employer's Little Rock Air Force base facility represented by the Petitioner is clarified to include the following classifications working on the JMATS program: librarian, CBT specialist, instructor SME, loadmaster SME, graphic artist, and training analyst.

5. No determination is made as to whether the JMATS production specialist classification should be included in the existing unit because the record is not sufficient to make that determination.

## **VII. RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by 5 p.m., EST on **December 22, 2003**. The request may **not** be filed by facsimile.

Dated at Memphis, Tennessee, this 8<sup>th</sup> day of December 2003.

/S/

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Ronald K. Hooks, Regional Director  
Region 26, National Labor Relations Board  
1407 Union Avenue, Suite 800  
Memphis, Tennessee 38104-3627

**Classification Index**  
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